

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CYMEYON V. HILL,  
Plaintiff,

v.

OFFICER DEFRANCO, et al.,  
Defendants.

Case No. [20-cv-04795-YGR](#) (PR)

**ORDER TERMINATING PENDING  
MOTION FILED IN THIS CLOSED  
ACTION**

Plaintiff Cymeyon V. Hill, a civil detainee, filed the instant civil rights complaint form in which he complained about conditions at Salinas Valley State Prison. He has filed numerous *pro se* civil rights actions in this Court in the last few months. The instant action was dismissed as duplicative of two other pending actions, *Hill v. Parin*, Case No. 20-cv-04027-YGR (PR) and *Hill v. DeFranco*, Case No. 20-cv-04028-YGR (PR). *See* Dkt. 5. The Court determined that it would allow Plaintiff to only pursue *one action*, and explained that it would screen the earlier filed complaint in *Hill v. Parin*, Case No. 20-cv-04027-YGR (PR), in which Plaintiff pursues an action based on supervisory liability against Chief Deputy Warden R. Parin stemming from an incident on May 23, 2020 involving an assault on Plaintiff by an inmate named “Flanegan”/”Flanagan.”<sup>1</sup> *See id.* at 1. The allegations and defendants were identical in this action and *Hill v. DeFranco*, Case No. 20-cv-04028-YGR (PR), in which Plaintiff alleged claims related to the May 23, 2020 incident against the correctional officers (DeFranco, J. Juarez, and D. Hammel) and lieutenant (E. Beam) for “failure to protect” Plaintiff, with the exception that Plaintiff added three more defendants (R. Infante, E. Cary, and A. Flores) in this action. *Id.* The Court instructed Plaintiff that if he wished to pursue claims against Defendants DeFranco, Juarez, Hammel, Beam, Infante, Cary, and Flores, then he must file an amended complaint containing such claims in Case No. 20-cv-04027-YGR (PR). *Id.*

<sup>1</sup> The inmate’s name is spelled in two different ways by Plaintiff.

1 Since the instant action was closed, Plaintiff has filed a motion entitled, "Motion to  
2 Enforce Denied Defendants to be Added to *Hill v. Parin*[,] Case No. 20-cv-04027-YGR." Dkt. 7.  
3 Such a motion is DENIED as unnecessary because Plaintiff has been given leave to file an  
4 amended complaint in Case No. 20-cv-04027-YGR, in which he may raise claims against the  
5 aforementioned Defendants. In a separate written Order in Case No. 20-cv-04027-YGR, the Court  
6 granted Plaintiff leave to file an amended complaint and directed the Clerk of the Court to provide  
7 Plaintiff with a black civil rights complaint form. Plaintiff shall refer to the Court's instructions in  
8 its Order Granting Plaintiff Leave to File an Amended Complaint in Case No. 20-cv-04027-YGR.

9 The Clerk is hereby directed to TERMINATE the pending motion filed in the instant  
10 action after the action was closed. Any future motions submitted by Plaintiff with the instant case  
11 number will not be received by the Clerk and will be returned to Plaintiff.

12 This Order terminates Docket No. 7.

13 IT IS SO ORDERED.

14 Dated: August 26, 2020

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16 YVONNE GONZALEZ ROGERS  
17 United States District Judge  
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